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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,945	12/19/2001	Jung-Wan Ko	1293.1071D4	9655
21171	7590	12/14/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				CHU, KIM KWOK
		ART UNIT		PAPER NUMBER
		2653		

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/020,945	KO ET AL.	
	Examiner	Art Unit	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6,7,9,10 and 16-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6,7,9,10 and 24-28 is/are allowed.
- 6) Claim(s) 16-18 and 23 is/are rejected.
- 7) Claim(s) 19-22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/333,520.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/13/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

Claim Objections

1. Claim 25 is objected to because of the following informalities:

(a) in claim 25, line 3, the term "lead-out" should be changed to -Lead-out--.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 16, 17, 18 and 23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-13 of copending Application No. 10/020,980. Although the conflicting claims

are not identical, they are not patentably distinct from each other because:

(a) both claim 16 of the instant Application and claims 9 and 12 of 10/020,980 claim a write protection for a recording medium having a Lead-in area, a Lead-out area, a user area, a recording information area having a Power Calibration Area (PCA) and a Recording Management Area (RMA). The RMA includes write protection information;

(b) claim 16 of the instant Application has additional features of checking the write protection state of the recording medium and prohibiting writing of data on the recording medium based on the state of the recording medium.

When the recording medium's protection state needs to be executed, it would have been obvious to one of ordinary skill in the art to add the checking and prohibiting steps to claim 9 of 10/020,980, because the checking and prohibiting features are protection operations to control unwanted writing or erasing;

(c) claim 17 of the instant Application is identical to claim 10 of 10/020,980;

(d) claim 18 of the instant Application is identical to claim 11 of 10/020,980; and

(e) claim 23 of the instant Application is identical to claim 13 of 10/020,980.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Allowable Subject Matter

4. Claims 6, 7, 9, 10 and 16-28 are allowable over prior art.

5. The following is an Examiner's statement of reasons for the indication of allowable subject matter based on the Amendment filed on November 18, 2004.

As in claim 6, the prior art of record fails to teach or fairly suggest a write protection method of a recording medium having the following steps:

- (a) a recording medium, including a Lead-in area, Lead-out area and a user area, is set to write a protection state ensuring the protection of data, including the entire user data area or at least a plurality of particular files;
- (b) determining whether the recording medium is positioned in a case;
- (c) checking whether a case is set to a write protection state; and
- (d) if the state of the recording medium checked in the checking of the state of the recording medium does not match

the write protection state of the case, informing a user of the difference.

As in claim 9, the prior art of record fails to teach or fairly suggest a write protection method of a recording medium having the following steps:

(a) a write protection method for a recording and/or reproducing apparatus, wherein the entire user data area of a recording medium, the recording medium including a Lead-in area, a Lead-out area and the user data area, is set to a write protection state;

(b) checking a state of the recording medium provided by write protection information of the recording medium, stored in an area of the recording medium other than the user data area, and a write protection state of a write inhibit hole of a case or cartridge positioning the recording medium therein; and

(c) prohibiting writing of data on the recording medium based on the state of the recording medium and/or the state of the write inhibit hole being set to a write protection state.

As in claim 16, the prior art of record fails to teach or fairly suggest a recording medium separately including a Lead-in area, a Lead-out area, a user area, and a recording information area, the recording information area having a Power Calibration Area (PCA) and a Recording Management Area (RMA).

The recording medium uses a write protection method having the following steps:

- (a) the recording information area includes write protection information to control protection of data, including the entire recording medium, except for the RMA, from unwanted writing or erasing;
- (b) checking the write protection information stored in at least one area of the RMA area of the recording medium; and
- (c) prohibiting writing of data on the recording medium when the write protection information of the recording medium is set to a write protection state.

As in claim 25, the prior art of record fails to teach or fairly suggest a write protection method of a recording medium having the following steps:

- (a) a write protection method for a recording and/or reproducing apparatus, wherein the entire user data area of a recording medium, the recording medium including a Lead-in area, a Lead-out area and the user data area; is set to a write protection state;
- (b) checking a write protection state of the recording medium provided by write protection information, of the recording medium, stored in at least one area of the Lead-in and Lead-out areas of the recording medium; and

(c) prohibiting writing of data on the recording medium if a state of the recording medium is set to a write protection state.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. Any response to this action should be mailed to:
Commissioner of Patents and Trademarks Washington, D.C. 20231
Or faxed to:

(703) 872-9306 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

KC 11/26/04

Kim-Kwok CHU
Examiner AU2653
November 26, 2004
(703) 305-3032


WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
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